

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PALM BAY INTERNATIONAL, INC.

Plaintiff/Counter-
Defendant,

v.

Cons. Case Nos. CV 09 599
and CV 09 601 (ADS) (ETB)

MARCHESI DI BAROLO S.P.A.,

Defendant/Counter-
Plaintiff.

X

DAVID S. TAUB and MARC TAUB, as ..

Successor to MARTIN G. TAUB, deceased,

Plaintiffs/Counter-
Defendants,

v.

MARCHESI DI BAROLO S.P.A.,

Defendant/Counter-
Plaintiff.

X

**NOTICE OF MOTION
IN LIMINE TO EXCLUDE
EVIDENCE REGARDING
ANY CONTRACT,
AGREEMENT, OR
UNDERSTANDING BETWEEN
PALM BAY INTERNATIONAL,
INC. AND DARDEN
RESTAURANTS, INC.**

PLEASE TAKE NOTICE that upon the Declaration of Rachael G. Pontikes and the annexed exhibits, together with the accompanying memorandum of law, the undersigned shall move this Court, before the Honorable Thomas C. Spatt, United States District Judge, at the United States District Court, Eastern District of New York, Long Island Courthouse, 1044 Federal Plaza, Central Islip, New York, 11722 at such date and time as the Court directs, for an order barring the admission of any evidence at trial regarding any contract, agreement or understanding between Palm Bay International, Inc. and Darden Restaurants, Inc.

Dated: New York, New York
April 30, 2010

MARCHESI DI BAROLO, S.P.A.

By: s/Rachael G. Pontikes
Rachael G. Pontikes (*pro hac vice*)
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CERTIFICATE OF SERVICE

The undersigned certifies that on April 30, 2010, she caused a copy of the foregoing **Notice of Motion** be electronically filed with the Clerk of the Court, using the Court's CM/ECF system, which will send electronic notification of the filing to the below CM/ECF participant. Parties may access this filing through the Court's system.

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s/Rachael G. Pontikes